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commonwealth of lot purchased for delinquent taxes contained no description of lot, proceedings leading to deed to purchaser were fatally defective, though it appeared owner was not assessed with other land in year.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 172.]

16. Taxation (§ 775*)—Tax Deed—Description—Extraneous Testimony.—Extraneous testimony is admissible to apply description in tax deed to its subject, so as to identify land on ground.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 175.]

17. Taxation (§ 796 (3)*)—Sale for Taxes—Suit to Cancel Deed.—Where commonwealth has obtained title by sale for taxes, and owner or successors have not redeemed, and commonwealth's deed to another, under Resale Act, was void, title still remains in commonwealth, and owner cannot sue to cancel it as cloud on title.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 177.]

Error to Circuit Court, Bedford County.

Suit by A. W. Robertson against Charles Dennis. To review decree for plaintiff, defendant brings error. Set aside and annulled, without prejudice to plaintiff to redeem the lot in question according to law, and thereafter to sue.

Thos. W. Miller, of Roanoke, for appellants.

Landon Lowry, of Bedford City, for appellees.

SNIDOW et al v. BOARD OF SUP'RS OF GILES COUNTY et al.

Sept. 19, 1918.

[96 S. E. 810.]

1. Eminent Domain (§ 86*)—Property Rights—Franchise—"Private Property."—A ferry franchise granted by circuit court under legislative authority is a private property right protected by Const. 1902, § 58, providing that private property shall not be taken or damaged for public use without compensation.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 87.]

2. Ferries (§ 16*)—Franchises—Exclusiveness.—Where a ferry franchise is given by legislative authority, its rights are not exclusive as against a later constructed nearby ferry or bridge constructed under legislative authority, unless the franchise or grant of the former provides that they shall be exclusive, but no ferry not authorized by legislative authority can be operated without being liable to the former for loss of custom, notwithstanding Code 1904, § 1386.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 32, 33.]

3. Ferries (§ 16*)—Franchises—Construction.—A ferry franchise

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

will be strictly construed against the grantee and in favor of the sovereign, and will not be deemed exclusive, unless expressly so stated in the grant itself, or such conclusion arises by necessary implication from the express language of the grant, notwithstanding Code 1904, § 1386.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 32, 33.]

4. Bridges (§ 1*)—Establishment of Bridge—Initial Action.—A board of supervisors in Giles county had authority both under Code 1904, § 944a, and Acts 1916, c. 321, to take initial action to establish a new bridge across New river, near Pembroke, although the road commission had the power of veto and the duty to locate approaches and condemn the right of way.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 624.]

5. Bridges (§ 8*)—Approaches—Establishment—Statute.—Under special road law for Giles county (Acts 1908, c. 346), an owner of land, over which a new road was established so as to approach a proposed bridge to cross a stream into another district, cannot complain that the road commission of the other district was not present at the meeting establishing the road, such other district alone having a right to complain.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 625.]

6. Bridges (§ 8*)—Establishment—Proceedings—Notice.—Since special road law for Giles county (Acts 1908, c. 346), in effect constituted the road commission a court with power of adjournment, such commission was required to notify landowners only of the first meeting regarding the establishment of a bridge, and a landowner had constructive notice of a change of the location of the bridge and approaches at an adjourned meeting.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 625.]

Appeal from Circuit Court, Giles County.

Proceeding by the Board of Supervisors of Giles County and others for the purpose of locating and establishing and erecting a bridge across New river. From a judgment of the circuit court entered on the trial of an appeal, *W. L. Snidow and others* appeal. Affirmed.

R. W. Kime and H. M. Fox, both of Roanoke, for plaintiff in error.

Williams & Farrier, of Pearisburg, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.